



PUBLIC NOTICE

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**Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554**

**DA 02-509
March 1, 2002**

COMMENTS INVITED ON WINSTAR WIRELESS, INC. APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

NSD File No. W-P-D-568

Comments Due: March 15, 2002

Section 214 Application Applicant: Winstar Wireless, Inc.

On February 22, 2002, **Winstar Wireless, Inc.** (Winstar or Applicant), located at **2350 Corporate Park Drive, Herndon, VA 20171**, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue certain of its domestic telecommunications services.

The application indicates that Winstar seeks authority to discontinue providing certain facilities-based switched local and interexchange services in the following cities: San Antonio, Texas; Kansas City, Kansas; Kansas City, Missouri; St. Louis, Missouri; San Diego, California; San Jose, California; Cleveland, Ohio; Columbus, Ohio; Indianapolis, Indiana; and Milwaukee, Wisconsin. Winstar states that it seeks discontinuance authority because it is concentrating on a managed, orderly growth of its business. Applicant explains that it has determined that the costs associated with these locations are too high to continue providing service. Consequently, it intends to reject these areas' underlying contracts and

leases on or before April 17, 2002, the date of the rejection deadline pursuant to a Sale Order approved by a U.S. Bankruptcy Court.¹

Applicant states that from February 15 to February 20, 2002, it mailed out individual

¹ *Winstar Communications, Inc. et al, Order Authorizing (I) Sale of Certain of the Debtors' Assets Free and Clear of Liens, Claims, Encumbrances, and Interests, (ii) Approving Cure Amounts with Respect to Certain Executory Contracts and Unexpired Leases, (iii) Authorizing the Debtors to Enter into and Approving Management Agreement, (iv) Approving Regulatory Transition Process and (v) Granting Related Relief*, Case No. 01-1430 (JJF), at para. 23 (Dec. 19, 2001).

written notices of the proposed discontinuance to each affected customer, in conformance with Commission rules.²

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified Applicant that the grant will not be automatically effective. The FCC will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity is otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.³ Comments objecting to this application must be filed with the Commission by **March 15, 2002**. Such comments should refer to application file number **W-P-D-568**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Network Services Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. Comments should also be served upon Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Jon Minkoff.

Interested parties who wish to file comments via messenger-delivery or hand-delivery are also notified that effective December 18, 2001, the Commission will only receive such deliveries weekdays from 8:00 a.m. to 7:00 p.m., via its contractor, Vistronix, Inc., located at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. **The Commission no longer accepts these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743.** Please note that all hand deliveries must be held together with rubber bands or fasteners, and envelopes must be disposed of before entering the building. In addition, this is a reminder that as of October 18, 2001, the Commission no longer accepts hand-delivered or messenger-delivered filings at its headquarters at 445 12th Street, SW, Washington, DC 20554. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open weekdays from 8:00 a.m. to 5:30 p.m. USPS First-Class, Express, and Priority Mail should be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The following chart summarizes this information:

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
Hand-delivered or messenger-delivered paper filings	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002

² See 47 C.F.R. § 63.71(a)(5)(i).

³ See generally 47 C.F.R. §§ 1.1200 - 1.1216.

	(Weekdays - 8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (this type excludes USPS Express and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)
USPS First-Class, Express, and Priority Mail	445 12 th Street, SW Washington, DC 20554

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at **qualexint@aol.com**.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), **cweather@fcc.gov**, or Jon Minkoff (202) 418-2353 (voice), **jminkoff@fcc.gov**, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit the Network Services Division web site at: **<http://www.fcc.gov/ccb/nsd/documents/214.html>**.

-FEDERAL COMMUNICATIONS COMMISSION-